

**REMARKS**

This Application has been carefully reviewed in light of the Final Office Action mailed June 16, 2005. In order to advance prosecution of this case, Applicants amend Claims 1, 4, 14, and 20. Applicants respectfully request reconsideration and favorable action in this case.

**Section 112 Rejections**

The Examiner rejects Claims 1-5, 14, 15, 20 and 21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. In particular, the Examiner states that “[i]t is not clear what the applicant encompass [sic] to cover by making use of such a vague language ‘...ore [sic] more arithmetic algorithms . . .’” *Office Action*, p. 2. With respect to Claim 1, Applicants respectfully note that 35 U.S.C. § 112 requires only that the claims “particularly point out and distinctly claim[] the subject matter which the applicant regards as his invention.” Furthermore, Applicants also respectfully note that:

Breadth of a claim is not to be equated with indefiniteness. If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from the defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph.

MPEP § 2173.04 (citation omitted).

Nothing in the specification or the surrounding language of Claim 1 necessitates further limiting the claim element in question. Applicants respectfully note that the Examiner was able to determine a list of possible operations within the scope of the claim language including “combining numbers, by addition, subtraction, multiplication, and/or division of attributes or any other mathematical computation.” Moreover, Applicants respectfully note that Examiner asserts that “[f]or examination purpose, the examiner will broadly interpret the claimed language” suggesting that the Examiner was able to determine an outer limit to the scope of this claim language.

Thus, the present language of Claim 1 satisfies the requirements of 35 U.S.C. § 112, second paragraph in accordance with the guidelines provided by M.P.E.P. § 2173.04. Claim 1 is thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claim 1.

Although of differing scope from Claim 1, Claims 2-5, 14, 15, 20 and 21 include similar claim language to that discussed with respect to Claim 1. Claims 2-5, 14, 15, 20, and 21 are thus allowable for substantially similar reasons to those discussed with respect to Claim 1. Applicants respectfully request reconsideration and allowance of Claims 2-5, 14, 15, 20, and 21.

### **Section 102 Rejections**

The Examiner rejects Claims 1-5, 14-15, 20 and 21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,744,877 issued to Edwards ("*Edwards*").

As amended, Claim 1 recites:

A method for skills-based routing of a communication session received at a switch, comprising:

receiving a request to establish a communication session between a client and one of a plurality of service agent stations;

generating a profile of the communication session in response to the request, wherein the profile of the communication session comprises at least two attributes;

comparing the profile of the communication session to a skills table, wherein the skills table includes a plurality of service agent records, each service agent record associating a service agent station with one or more skill entries;

identifying, based on the comparison of the profile and the skills table, a subset of the service agent records included in the skills table, wherein the subset contains a plurality of service agent records;

generating an ordered list of service agent records by applying one or more arithmetic algorithms to skill entries associated with the subset of service agent records; and

selecting a service agent station associated with a first service agent record in the ordered list.

*Edwards* fails to recite, either expressly or inherently, every element of amended Claim 1 for at least several reasons. First, *Edwards* fails to disclose "identifying, based on the comparison of the profile and the skills table, a subset of the service agent records included in the skills table, wherein the subset contains a plurality of service agent records." In rejecting Claim 1, the Examiner references a portion of *Edwards* that discloses, *inter alia*:

[A] comparator that selects one of the call-processing resources of the plurality of call-processing resources to process the received call by comparing the call comparing the call properties set with the call-processing

resources set for at least a portion of the call-processing resources . . . wherein the call-processing resources set includes a plurality of an agent skills level, an optimal skills range, a qualified skills range, an agent identification, an agent telephony address, and a recent customer transaction list.

Col. 31, ll. 20-25, 60-64.

The Examiner explains the Examiner's use of this section by noting that "the selected agent record in accordance with the step of comparison is a subset of the skill entries in the skill table." *Office Action*, p. 4. To whatever extent the selected agent record of *Edwards* can be equated with the "subset" recited by Claim 1, the selected agent record does not "contain[] a plurality of service agent records." Thus, *Edwards* fails to disclose "identifying, based on the comparison of the profile and the skills table, a subset of the service agent records included in the skills table, wherein the subset contains a plurality of service agent records" as recited by amended Claim 1.

Second, *Edwards* fails to disclose "generating an ordered list of service agent records by applying one or more arithmetic algorithms to the subset of skill entries." At the outset, in addressing this element, Applicants respectfully submit that it is difficult to determine exactly which element of *Edwards* the Examiner is equating with the "ordered list" of amended Claim 1. Applicants respectfully note that "[w]hen a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable." 37 C.F.R. § 1.104(c)(2). If the Examiner continues to rely on the cited portions of *Edwards* in rejecting the claims of this Application, Applicants request the Examiner explicitly indicate which element of *Edwards* the Examiner equates with the "ordered list."

Nonetheless, to the extent the Examiner may be equating the "ESB agent table 800" of *Edwards* with the "ordered list" of amended Claim 1, Applicants respectfully note that, in describing the overall contents of the ESB agent table, *Edwards* states only that the ESB agent table "contains the type of data that an enterprise may wish to collect regarding its call center agents and then reference when selecting an appropriate resource for a call." Col. 21, ll. 10-12. *Edwards* provides no indication that the ESB agent table represents "an ordered list" or that the ESB agent table is generated "by applying one or more arithmetic algorithms to skill entries associated with the subset of service agent records[.]" Thus, *Edwards* also

fails to disclose “generating an ordered list of service agent records by applying one or more arithmetic algorithms to the subset of skill entries” as recited by amended Claim 1.

As a result, Edwards fails to disclose, either expressly or inherently, every element of amended Claim 1. Claim 1 is thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

Additionally, although of differing scope from Claim 1, Claims 14 and 20 include elements that, for reasons substantially similar to those discussed with respect to Claim 1, are not disclosed by the cited reference. Claims 14 and 20 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 14 and 20, and their respective dependents.

**Section 103 Rejections**

The Examiner also rejects Claims 6-13, 16-19 under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application No. EP 1111890 A2 to Allen ("*Allen*") in view of U.S. Patent No. 6,603,854 issued to Judkins et al. ("*Judkins*"). Claim 6 recites

A method for dynamically updating a skills table, the method comprising the following steps performed at a server remotely located from a switch:

- receiving service agent information from a client, the service agent information pertaining to a service agent station associated with the client;
- storing the service agent information on the server;
- updating a skills table utilizing the service agent information, wherein the skills table associates each service agent station to a plurality of skill entries in a service agent record; and
- communicating the skills table to a switch remotely located from a server.

*Allen* and *Judkins*, however, fail to disclose, teach, or suggest every element of Claim 6. For example, both *Allen* and *Judkins* fail to disclose "updating a skills table utilizing the service agent information, wherein the skills table associates each service agent station to a plurality of skill entries in a service agent record." As the Examiner concedes, *Allen* "fails to teach the newly amended functional limitation of 'receiving service agent information from a client, the service agent information pertaining to a service agent station associated with the client.'" *Office Action*, p. 8. Furthermore, because *Allen* fails to teach "receiving [the] service agent information," *Allen* also fails to disclose "updating a skills table utilizing the service agent information." In fact, the portion of *Allen* cited by the Examiner merely discusses updating "routing tables." As a result, *Allen* fails to disclose, "updating a skills table . . . wherein the skill table associates each service agent station to a plurality of skill entries in a service agent record" as recited by Claim 6.

Similarly, *Judkins* also fails to disclose "updating a skills table utilizing the service agent information, wherein the skills table associates each service agent station to a plurality of skill entries in a service agent record." In rejecting Claim 6, the Examiner asserts that "*Judkins* taught querying the caller through the means of IVR (interactive voice response) to rate the service agent right after the termination of the communication session between the caller and the agent is completed (claims 7 and 8). See Abstract." *Office Action*, p. 8.

Nonetheless, to whatever extent this may be accurate, the cited portion of *Judkins*, like *Allen*, fails to show any updating of skills tables and, in particular, fails to show

“updating a skills table utilizing the service agent information” and “updating a skills table . . . wherein the skills table associates each service agent station to a plurality of skill entries in a service agent record.” Thus, *Judkins* also fails to disclose “updating a skills table utilizing the service agent information, wherein the skills table associates each service agent station to a plurality of skill entries in a service agent record” as recited by Claim 6.

As a result, both *Judkins* and *Allen* fail to disclose, teach, or suggest every element of Claim 6. Claim 6 is thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claim 6 and its dependents.

Although of differing scope from Claim 6, Claims 16 and 18 include elements that, for reasons substantially similar to those discussed with respect to Claim 6, are not disclosed by the cited references. Claims 16 and 18 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 16 and 18, and their respective dependents.

**Conclusions**

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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